

REMARKS

Applicants have carefully reviewed the Final Office Action mailed March 14, 2005, regarding the above-referenced patent application. Currently claims 21-31 are pending in the application, wherein claims 21-31 have been rejected by the Examiner. Claims 21 and 26 have been amended with this response. Support for the amendments may be found, for example, at page 7, lines 3-7 of the specification. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 21, 22 and 24-31 stand rejected under 35 U.S.C. §102(e) as being anticipated by Engelson et al. (U.S. Patent No. 5,972,019). Applicants respectfully traverse this rejection. In order to anticipate, a reference must teach each and every element of the claimed invention. Engelson fails to do so.

Claims 21 and 26 claim an embolism treatment device comprising a cage assembly including a proximal cage and a distal cage. Applicants assert Engelson at least fails to teach this limitation of the current invention. Therefore, Engelson does not anticipate the currently claimed invention. Claims 21 and 26 are believed patentable over the teachings of Engelson, and withdrawal of the rejection is respectfully requested. Claims 22, 24, 25 and 27-31 depend from either claim 21 or claim 26, therefore, they are believed patentable over Engelson for at least the reasons stated above.

Claims 21-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schmaltz et al. (U.S. Patent No. 5,449,372) in view of Crittenden et al. (U.S. Patent No. 4,719,924). Applicants respectfully traverse this rejection. In order to establish a *prima facie* case of obviousness, each and every element and limitation of the claimed invention must be taught or suggested by the combination of references. The combination of Schmaltz and Crittenden fails to teach each and every claimed element and limitation, thus a *prima facie* case has not been established.

Claims 21 and 26 claim an embolism treatment device comprising a cage assembly including a proximal cage and a distal cage. Applicants assert the cited combination at least fail to teach this limitation of the currently claimed invention. Neither Schmaltz nor Crittenden teaches a cage assembly including a proximal cage and a distal cage. Therefore, since a *prima facie* case has not been established with the

combination, Applicants assert the currently claimed invention is indeed patentable over the combination. Withdrawal of the rejection is respectfully requested. Claims 22-25 and 27-31 depend from either claim 21 or 26, therefore, they are believed patentable for at least the reasons stated above.

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney.

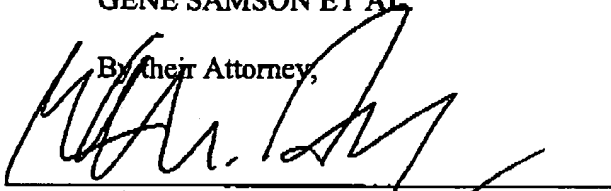
Respectfully submitted,

GENE SAMSON ET AL

By their Attorney,

Date:

Sept 14, 2005



Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050